



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
CIP OF 09/828,589

First named inventor: ROLF BUNGER

Application No.: 10/643,080

Art Unit: 1616

Filed: AUGUST 19, 2003

Examiner: NIKKI HANDY

Title: CELLULAR PHOSPHORYLATION POTENTIAL ENHANCING COMPOSITIONS, PREPARATION AND USE THEREOF

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500⁰⁰ (37 CFR 1.17(m)) | 03/19/2007 H8UTEMA1 00000023 10643080

2. Reply and/or fee

01 FC:1453

1500.00 OP

A. The reply and/or fee to the above-noted Office action in the form of AMENDMENT UNDER RULE 111 (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PAGE 2 of 8

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Werten F.W. Bellamy
Signature

MARCH 14, 2007

Date

WERTEN F.W. BELLAMY

Typed or printed name

27,029

Registration Number, if applicable

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Telephone Number

RESTON, VIRGINIA 20191

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

MARCH 14, 2007

Date

Werten F.W. Bellamy
Signature

WERTEN F.W. BELLAMY

Typed or printed name of person signing certificate



Subj: (no subject)
Date: 3/13/2007 11:13:12 AM Eastern Daylight Time
From: Wertenf
To: Wertenf

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF ROLF BUNGER, ET AL.

SERIAL NO.: 10/643,080

FILED: AUGUST 19, 2003

FOR: CELLULAR PHOSPHORYLATION POTENTIAL ENHANCING COMPOSITIONS, PREPARATION AND USE THEREOF

APPLICATION FILED UNDER 37 CFR 111

MAIL STOP PATENT APPLICATION
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

THIS IS IN RESPONSE TO THE OFFICE ACTION MAILES FROM THE U.S. PATENT AND TRADEMARK OFFICE ON SEPTEMBER 13, 2006.

APPLICANTS WOULD TO ACKNOWLEDGE WITH SINCERE APPRECIATION THE COURTESIES EXTENDED TO THEIR REPRESENTATIVE DURING THE TELEPHONE CONVERSATION ON MARCH 13, 2006. ADDITIONALLY, IT IS NOTED THAT ALL CLAIMS REMAINING IN THIS CASE ARE CLEAR OF PRIOR ART REJECTIONS, EXCEPT FOR THE 2 BUNGER PATENTS U.S. 5,536,751 AND U.S. 5,714,515. BOTH OF THESE REJECTIONS HAVE BEEN OBIATED BY THE FILING OF TERMINAL DISCLAIMERS FOR EACH OF SAID BUNGER PATENTS. FURTHER, THE INSTANT APPLICATION IS CLAIMING THE BENEFIT OF THE EARLIEST FILING DATE OF THESES BUNGER CITED BY THE EXAMINER. THE EXAMINER IS REMINDED THAT CONTINUITY EXIST BETWEEN THIS JOINTLY FILED C-I-P AND BOTH BUNGER PATENTS AND THESES 2 PATENTS ALONG WITH ALL INTERVENING PATENT APPLICATIONS HAVE INCORPORATED BY REFERENCE INTO THE INSTANT CASE.(PLEASE SEE DEFINITION FOR C-I-P APPLICATIONS IN THE MPEP)

IN THE CLAIMS:

IN CLAIM 1, LINE 2, AFTER THE WORD "to", delete the words " prevent and/or";

PLEASE ADD NEW 20;

—CLAIM 20. A method on accordance with Claim 1, wherein the composition is a parenteral fluid.—

REMARKS

CLAIMS 1 TO 5 AND 7 TO 20 ARE IN THIS CASE. BASIS FOR CLAIM IS FOUND ON PAGE 32, LINE 12.

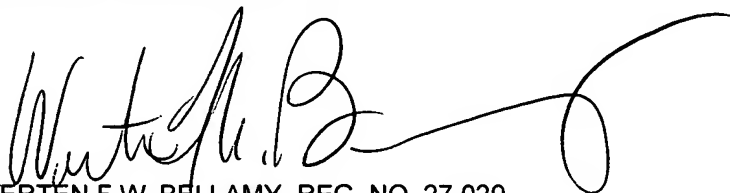
THE REJECTION OF CLAIMS 1 TO 19 UNDER 35 USC 112, FIRST PARAGRAPH FOR THE INCLUSION OF THE WORD "PREVENT" HAS BE OBIATED BY AMENDING THE CLAIMS TO INCLUD ONLY TREATMENT OF CELLS AS SUGGESTED BY THE EXAMINER.

THE REJECTION OF CLAIMS 1 TO 19BASED ON DOUBLE PATENTING HAS BEEN OBIATED BY FILING 2 TERMINAL DISCLAIMERS IN THIS CASE.

THE REJECTION OF CLAIMS 1 TO 5, 8, 10 AND UNDER 35USC102(E) HAVE BEEN OBIATED BY CLAIMING THE BENEFIT OF THE FILING DATES OF THE PARENT CASES.

ACCORDINGLY, ALL CLAIMS SHOULD BE ALLOWED AND SUCH ACTION IS EARNESTLY SOLICITED.

RESPECTFULLY SUBMITTED.

A handwritten signature in black ink, appearing to read 'Werten F.W. Bellamy', with a long, sweeping horizontal stroke extending to the right.

WERTEN F.W. BELLAMY, REG. NO. 27,029

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